

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

February 28, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

We are investigating the troubling attempts by the Department of Justice and the White House to use the heavy hand of federal law enforcement—including federal counterterrorism tools—to target concerned parents at local school board meetings and chill their protected First Amendment activity. Since October 2021, House Judiciary Committee Republicans have sent nearly 100 letters to Department components requesting documents and information related to this investigation.¹ To date, we have received only a single half-page response from the Federal Bureau of Investigation, and none of the requested documents or substantive information.

We know from public reporting that the National School Boards Association (NSBA) coordinated with the White House prior to sending a letter dated September 29, 2021, to President Biden urging the Justice Department to use federal antiterrorism tools—including the Patriot Act—to target parents.² Just five days later, on October 4, you issued a memorandum directing the FBI and other Departmental components to address a purported “disturbing spike in harassment, intimidation, and threats of violence” at school board meetings.³ A protected whistleblower disclosure shows that the FBI’s Counterterrorism Division quickly effectuated

¹ See Letter from Rep. Mike Johnson et al, to Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice (Oct. 13, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice (Oct. 25, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. E. Bryan Wilson et al, Acting U.S. Atty, District of Alaska (Nov. 1, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Lesko, Acting Assistant Atty Gen., Nat’l Sec. Division, U.S. Dep’t of Justice (Nov. 2, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 3, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice (Nov. 16, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 18, 2021).

² Callie Patteson, *WH ‘actively engaged’ with NSBA before ‘domestic terror’ letter: memo* N.Y. Post, Nov. 11, 2021.

³ Memorandum from Atty Gen. Merrick Garland, U.S. Dep’t of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

your directive by compiling and categorizing threat assessments related to parents.⁴ Timothy Langan, the FBI's Assistant Director of the Counterterrorism Division, later testified to the House Intelligence Committee that the FBI discussed your directive with Justice Department officials prior to its issuance.⁵

The NSBA Board of Directors has apologized for its letter to President Biden, writing: "On behalf of NSBA, we regret and apologize for the letter."⁶ (emphasis in original). You, however, have refused to rescind your directive, even though you testified that the NSBA letter was the basis for your October 4 memorandum.⁷ Your anti-parent directive remains in effect and, as a result, the FBI continues to "tag" American parents as potential counterterrorism threats.

Our Committee has a constitutional responsibility to conduct oversight of the Department of Justice.⁸ During your confirmation hearing to become Attorney General, you promised "the Department I lead [would] be as responsive as possible" to congressional oversight.⁹ You explained that the "oversight responsibility" of Congress is a "duty imposed by the Constitution" that you "greatly respect."¹⁰ By your obstruction during these past four months, you have failed to live up to your promise. Committee Republicans will not let this matter rest. We are committed to fully examining the Biden Administration's use of counterterrorism resources in relation to school board meetings. We reiterate our outstanding document requests to the various Departmental components and ask that you produce this material immediately.

Sincerely,



Jim Jordan
Ranking Member



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet

⁴ Email from Carlton Peeples to FBI_SACS (Oct. 20, 2021).

⁵ *Open C3 Subcommittee Hearing on Countering Domestic Terrorism, Hearing Before the H. Permanent Select Comm. on Intelligence*, 117th Cong. (Nov. 3, 2021) (testimony of Mr. Timothy Langan Jr., Assistant Dir., Counterterrorism Division, Fed. Bureau of Investigation).

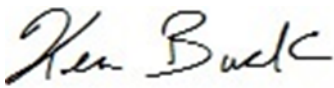
⁶ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

⁷ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

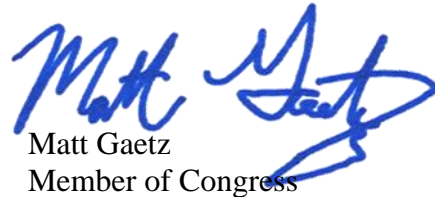
⁸ See *McGrain v. Daugherty*, 273 U.S. 135, 174-175 (1926).

⁹ *The Nomination of the Honorable Merrick Brian Garland to be Attorney General of the United States: Hearing Before the S. Comm. on the Judiciary*, 117th Cong. (Feb. 22, 2021) (statement of Hon. Merrick B. Garland).

¹⁰ *Id.*



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



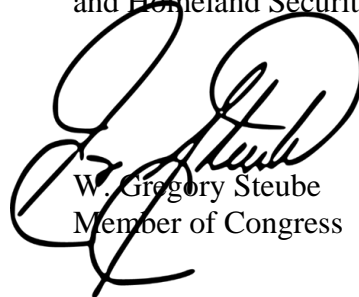
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



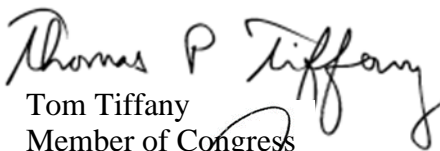
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



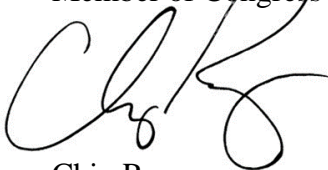
W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Thomas Massie
Member of Congress



Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Michelle Fischbach
Member of Congress



Victoria Spartz
Member of Congress

The Honorable Merrick B. Garland

February 28, 2022

Page 4



Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman